

AMENDED IN ASSEMBLY APRIL 22, 1996
AMENDED IN ASSEMBLY SEPTEMBER 14, 1995
AMENDED IN ASSEMBLY AUGUST 29, 1995
AMENDED IN ASSEMBLY JULY 15, 1995
AMENDED IN SENATE MAY 30, 1995
AMENDED IN SENATE APRIL 24, 1995

SENATE BILL

No. 1221

Introduced by Senator Calderon
(Coauthors: Senators Ayala, Costa, Haynes, Johannessen,
and Monteith)

(Coauthors: Assembly Members Aguiar, Bordonaro, Bowler,
Cunneen, Harvey, Rainey, and Woods)

February 24, 1995

An act to ~~repeal Section 3371 of, and to repeal and add~~
~~Section 3370 of, the Labor Code, to amend Sections 2601 and~~
~~5069~~ *amend Section 2601* of the Penal Code, relating to
prisoners.

LEGISLATIVE COUNSEL'S DIGEST

SB 1221, as amended, Calderon. Prisoners: civil rights.

~~(1) Under~~

Under existing law, a person sentenced to imprisonment in
a state prison may during that period of confinement be
deprived of only those rights as is reasonably related to
legitimate penological interests. Existing law additionally
enumerates certain civil rights of a state prisoner, including,

among others, the right to inherit, own, sell, or convey real or personal property and to purchase, receive, and read any and all newspapers, periodicals, and books accepted for distribution by the United States Post Office.

This bill would delete from those enumerated civil rights of a state prisoner; the right to have personal visits, ~~to marry, to create a power of appointment, to make a will, and to receive specified benefits.~~ The bill also would provide that a state prisoner is otherwise entitled only to those rights established by the California and the United States Constitutions.

(2) Existing law requires each inmate in a state penal or correctional institution to be entitled to receive workers' compensation benefits for injury or death arising out of, and in the course of, assigned employment, under certain conditions. Existing law requires the Department of Corrections to furnish a list of qualified workers' compensation attorneys to an inmate if the issues are complex or if the inmate so requests.

This bill would repeal those provisions and would specify that inmates in state or local facilities are not entitled to workers' compensation benefits for injury or death arising out of, or in the course of, either paid or volunteer assigned employment. The bill would make a conforming change to provisions regarding inmate rehabilitation benefits.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. Section 3370 of the Labor Code is~~
- 2 ~~repealed.~~
- 3 ~~SEC. 1.5. Section 3370 is added to the Labor Code, to~~
- 4 ~~read:~~
- 5 ~~3370. An inmate of a state or local penal or~~
- 6 ~~correctional institution is not entitled to workers'~~
- 7 ~~compensation benefits for injury or death arising out of,~~
- 8 ~~and in the course of, assigned employment, including~~
- 9 ~~employment performed as a volunteer pursuant to~~
- 10 ~~Section 3363.5, 3363.6, or 3365.~~
- 11 ~~SEC. 1.6. Section 3371 of the Labor Code is repealed.~~

1 ~~SEC. 1.7. Section 2601 of the Penal Code is amended~~
2 ~~to read:~~

3 ~~2601. (a) Except as provided in subdivision (b), each~~
4 ~~person described in Section 2600 is entitled only to those~~
5 ~~rights established by the California Constitution and the~~
6 ~~United States Constitution. Furthermore, any other~~
7 ~~activities permitted to any inmate beyond those required~~
8 ~~constitutionally shall be subject to rules established by the~~
9 ~~Director of Corrections who may grant privileges and~~
10 ~~specify allowable conduct for the inmates on a group or~~
11 ~~individual basis.~~

12 ~~(b) Subject only to the provisions of that section, each~~
13 ~~person described in Section 2600 shall have the following~~
14 ~~civil rights:~~

15 ~~(1) Except as provided in Section 2225 of the Civil~~
16 ~~Code, to inherit, own, sell, or convey real or personal~~
17 ~~property, including all written and artistic material~~
18 ~~produced or created by that person during the period of~~
19 ~~imprisonment. However, to the extent authorized in~~
20 ~~Section 2600, the Department of Corrections may restrict~~
21 ~~or prohibit sales or conveyances that are made for~~
22 ~~business purposes.~~

23 ~~(2) (A) To purchase, receive, and read any and all~~
24 ~~newspapers, periodicals, and books accepted for~~
25 ~~distribution by the United States Post Office. Pursuant to~~
26 ~~this section, prison authorities may exclude any of the~~
27 ~~following matter:~~

28 ~~(i) Obscene publications or writings, and mail~~
29 ~~containing information concerning where, how, or from~~
30 ~~whom this matter may be obtained.~~

31 ~~(ii) Any matter of a character tending to incite~~
32 ~~murder, arson, riot, violent racism, or any other form of~~
33 ~~violence.~~

34 ~~(iii) Any matter concerning gambling or a lottery.~~

35 ~~(B) Nothing in this section shall be construed as~~
36 ~~limiting the right of prison authorities to do the following:~~

37 ~~(i) Open and inspect any and all packages received by~~
38 ~~an inmate.~~

39 ~~(ii) Establish reasonable restrictions as to the number~~
40 ~~of newspapers, magazines, and books that the inmate may~~

1 ~~have in his or her cell or elsewhere in the prison at one~~
2 ~~time.~~

3 ~~(3) To initiate civil actions, subject to a three dollar~~
4 ~~(\$3) filing fee to be collected by the Department of~~
5 ~~Corrections, and subject to Title 3a (commencing with~~
6 ~~Section 391) of the Code of Civil Procedure.~~

7 ~~(4) To correspond, confidentially, with any member of~~
8 ~~the State Bar or holder of public office, provided that the~~
9 ~~prison authorities may open and inspect incoming mail to~~
10 ~~search for contraband.~~

11 ~~SEC. 1.8. Section 5069 of the Penal Code is amended~~
12 ~~to read:~~

13 ~~5069. (a) The administrative director of the Division~~
14 ~~of Industrial Accidents shall formulate procedures for the~~
15 ~~selection and orderly referral of injured inmates of state~~
16 ~~penal or correctional institutions who may be benefited~~
17 ~~by rehabilitation services and retrained for other~~
18 ~~positions upon release from incarceration. The State~~
19 ~~Department of Rehabilitation shall cooperate in both~~
20 ~~designing and monitoring results of rehabilitation~~
21 ~~programs for the disabled inmates. The primary purpose~~
22 ~~of this section is to rehabilitate injured inmates in order~~
23 ~~that they might engage in suitable and gainful~~
24 ~~employment upon their release.~~

25 ~~(b) The director shall notify the injured inmate of the~~
26 ~~availability of rehabilitation services in those cases where~~
27 ~~there is continuing disability of 28 days and beyond. A~~
28 ~~copy of such notification shall be forwarded to the State~~
29 ~~Department of Rehabilitation.~~

30 ~~(c) The initiation of a rehabilitation plan shall be the~~
31 ~~responsibility of the director.~~

32 ~~(d) Upon establishment of a rehabilitation plan, the~~
33 ~~injured inmate shall cooperate in carrying it out.~~

34 ~~(e) The injured inmate shall receive such medical and~~
35 ~~vocational rehabilitative services as may be reasonably~~
36 ~~necessary to restore him to suitable employment.~~

37 ~~SECTION 1. Section 2601 of the Penal Code is~~
38 ~~amended to read:~~

2601. Subject only to the provisions of that section, each person described in Section 2600 shall have the following civil rights:

(a) ~~To~~ *Except as provided in Section 2225 of the Civil Code, to* inherit, own, sell, or convey real or personal property, including all written and artistic material produced or created by ~~such~~ *the* person during the period of imprisonment. However, to the extent authorized in Section 2600, the Department of Corrections may restrict or prohibit sales or conveyances that are made for business purposes.

(b) To correspond, confidentially, with any member of the State Bar or holder of public office, provided that the prison authorities may open and inspect incoming mail to search for contraband.

(c) (1) To purchase, receive, and read any and all newspapers, periodicals, and books accepted for distribution by the United States Post Office. Pursuant to this section, prison authorities may exclude any of the following matter:

(A) Obscene publications or writings, and mail containing information concerning where, how, or from whom this matter may be obtained.

(B) Any matter of a character tending to incite murder, arson, riot, violent racism, or any other form of violence.

(C) Any matter concerning gambling or a lottery.

(2) Nothing in this section shall be construed as limiting the right of prison authorities to do the following:

(A) Open and inspect any and all packages received by an inmate.

(B) Establish reasonable restrictions as to the number of newspapers, magazines, and books that the inmate may have in his or her cell or elsewhere in the prison at one time.

~~(d) To have personal visits. However, the department may provide any restrictions that are necessary for the reasonable security of the institution.~~

~~(e) To initiate civil actions, subject to a three dollar (\$3) filing fee to be collected by the Department of~~

1 Corrections, and subject to Title 3a (commencing with
2 Section 391) of the Code of Civil Procedure.

3 ~~(f)~~

4 (e) To marry.

5 ~~(g)~~

6 (f) To create a power of appointment.

7 ~~(h)~~

8 (g) To make a will.

9 ~~(i)~~

10 (h) To receive all benefits provided for in Sections
11 3370 and 3371 of the Labor Code and in Section 5069.

12 SEC. 2. The Legislature finds and declares that the
13 provision of any privileges to inmates in the state prison
14 may be granted pursuant to prison rules or regulations
15 promulgated for that purpose.

